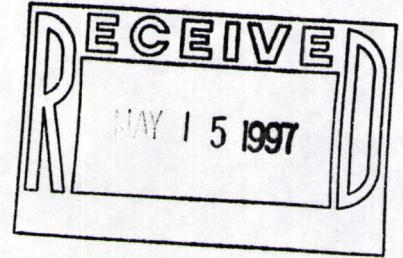




United States Department of the Interior
FISH AND WILDLIFE SERVICE

UTAH FIELD OFFICE
LINCOLN PLAZA
145 EAST 1300 SOUTH, SUITE 404
SALT LAKE CITY, UTAH 84115



In Reply Refer To
(CO/KS/NE/UT)

May 13, 1997

Memorandum

To: Area Manager, House Range/Warm Springs Resource Area, U.S. Bureau of Land Management, 35 East 500 North Street, Fillmore, Utah 84631

From: Assistant Field Supervisor, Ecological Services, Utah Field Office, U.S. Fish and Wildlife Service, Salt Lake City, Utah

Subject: Endangered and Threatened Species Concurrence for Modification to Plan of Operations: Cricket Mountain Project, Millard County, Utah

In response to your letter received April 16, 1997, the U.S. Fish and Wildlife Service concurs with your "no effect" determination for threatened and endangered species and critical habitat. This concurrence is valid for 12 months unless a change in the project occurs, at which time the U.S. Bureau of Land Management (Bureau) should reevaluate its actions for possible impacts to listed species.

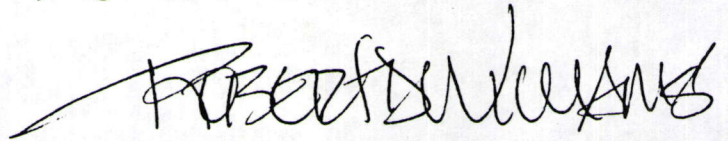
Concerning migratory birds, the Service recognizes that while an active golden eagle nest falls within the 0.5-mile recommended buffer zone, it appears well-sheltered. Consequently, the Service concurs with your "no effect" finding for raptors and other migratory birds. This finding is contingent upon delaying initiation of mining operations at the subject site until July 1997, and upon continual mine operation until such time as the mine is permanently closed. Raptors that have begun nesting under one set of circumstances may abandon a nest if marked land-use changes (e.g., initiation of mining) occur. Consequently, starting and stopping mining operations during nesting seasons in spring could be detrimental to raptor nesting success and should therefore be avoided.

In closing, the Service would like to address the issue of reclamation and revegetation following completion of mining in the project area. The Service is concerned that excessive use (i.e., more than 70% of the mix) of exotic species is detrimental to long-term ecological integrity. Executive Order 11987, signed May 24, 1977, states that Federal agencies should restrict, to the extent permitted by law, the introduction of exotic species into the lands or waters they own, lease, or hold for purposes of administration, and encourage the States, local governments, and private citizens to do the same. The Service maintains that the Bureau should encourage Continental Lime, Inc. to commit to revegetation with a significantly higher native species

component than it used in the Poison Mountain area. Specifically, the Service believes strong components of Indian rice grass, needle and thread grass, bluebunch wheatgrass, and Salina wildrye are warranted, as these species have been demonstrated to survive on the subject site.

The Bureau and Continental Lime, Inc. have several resources at their disposal to determine what mixes of native plants would be appropriate, practical, and beneficial to wildlife. The Service, the U.S. Forest Service Research Station in Provo, and the Forest Service and Division of Wildlife Resources in Ephraim would all be willing to help Continental Lime, Inc. and the Bureau accomplish the difficult task of native rangeland revegetation.

If further assistance is needed concerning Utah prairie dogs or migratory birds, please contact Marilet A. Zablan, Wildlife Biologist, of this office at telephone (801) 524-5001. For further information on revegetation and native species appropriate for mine reclamation, contact Dr. Lucy A. Jordan, Wildlife Biologist, or Dr. J. Larry England, Botanist, of this office at the aforementioned telephone number.

A handwritten signature in dark ink, appearing to read "Robert S. Williams", is written over the bottom right of the letter's main body.

cc: Steven Herron, Steffen Robertson and Kirsten Inc., 1755 East Plumb Lane, Suite 241,
Reno, Nevada 89502
Southern Regional Manager, Utah Division of Wildlife Resources, P.O. Box 606, Cedar
City, Utah 84721-0606
Michael Brown, Continental Lime Inc., 3950 South 700 East, Suite 301, Salt Lake City,
Utah 84107